

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tamar HAREL et al

Serial No.: 10/526,708

Filed: September 20, 2005

Group Art Unit: 3762

For: BLOOD GLUCOSE LEVEL
CONTROL

Attorney Docket: 34490

Examiner: FLORY, Christopher A.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-COMPLIANT AMENDMENT NOTIFICATION

Sir:

This is in response to the United States Patent and Trademark Office Notification dated April 16, 2009, which response is being made before May 16, 2009, and for which no extension of time fee is due.

By said Notification, the Amendment filed 15 December 2008 was deemed Non-Compliant since it was signed by a practitioner not of record at the time of filing.

Reconsideration and withdrawal of the Notification is respectfully requested. The undersigned is baffled by this clearly erroneous Notification.

For at least the past twenty years, the USPTO has accepted the signature of any registered practitioner as an assertion on the part of the practitioner that he is authorized to act in the case. Pursuant to 37 CFR 1.34:

When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the

In re Application of: Tamar HAREL et al
Serial No.: 10/526,708
Filed: September 20, 2005

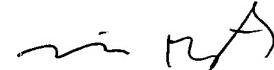
Examiner: FLORY, Christopher A.
Group Art Unit: 3762
Attorney Docket: 34490

provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature.

Notwithstanding the clear, literal and unambiguous language of the above Rule, which makes a Response thereto unnecessary, the undersigned hereby (1) ratifies the amendment filed by practitioner Martin Moynihan on December 15, 2008, and (2) submits an identical amendment executed by the undersigned that was submitted previously by Mr. Moynihan. The previously filed response executed by Mr. Moynihan is scanned into PAIR, in case the recently filed POA to Mr. Moynihan controls.

In view of the above amendments and remarks it is respectfully submitted that claims 1-37, 39-44 49-56 and 58-67 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



Maier Fenster
Registration No. 41,106

Date: May 7, 2009